



October 10, 2012

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OCT 11 2012

Federal Communications Commission
Office of the Secretary

BY HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW,
Room TW-A325
Washington, DC 20554

Re: Cintex Wireless, LLC's Revised Compliance Plan (WC Docket
No. 09-197, WC Docket No. 11-42)

Dear Ms. Dortch:

Enclosed please find an original and three copies of Cintex Wireless, LLC's Revised Compliance Plan (the "Plan"). The Plan is intended to replace in its entirety the compliance plan that the Commission currently has on file for Cintex.

In the event that you have any questions, please contact the undersigned at (301) 363-4306.

Regards,

A handwritten signature in black ink that reads "Robert Felgar".

Robert Felgar
General Counsel

cc: Kimberly Scardino
Divya Shenoy
Charles Tyler



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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Office of the Secretary

In the Matter of)	
)	
Telecommunications Carriers Eligible to)	WC Docket No. 09-197
Receive Universal Service Support)	
)	
Federal-State Joint Board on)	WC Docket No. 11-42
Universal Service)	
)	
Cintex Wireless, LLC)	
Compliance Plan)	

CINTEX WIRELESS, LLC'S
REVISED COMPLIANCE PLAN

Cintex Wireless, LLC ("Cintex") hereby files its Compliance Plan providing specific information regarding Cintex's service offerings and outlining the measures it has taken to implement the obligations contained in the *Lifeline Modernization Order*.¹ Pursuant to the *Lifeline Modernization Order*, the Federal Communications Commission (the "Commission") decided to forbear from applying the facilities requirement of section 214(e)(1)(A) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the "Act"), to telecommunications carriers seeking limited designation as a Lifeline-only eligible

¹ *In the Matter of Lifeline and Link Up Reform and Modernization; Lifeline and Link Up; Federal-State Joint Board on Universal Service; Advancing Broadband Availability Through Digital Literacy Training*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 11-42; WC Docket No. 03-109; CC Docket No. 96-45; WC Docket No. 12-23 (rel. February 6, 2012) ("*Lifeline Modernization Order*").

telecommunications carrier (“ETC”), subject to the following conditions: (1) the carrier must comply with certain 911 requirements; and (2) the Commission must approve the telecommunication carrier’s compliance plan.²

Further the Commission explained that neither state commissions nor the Commission may grant additional Lifeline-only ETC applications after December 29, 2011, until the Bureau approves the telecommunications carrier’s compliance plan.³ ETCs, however, may continue to receive reimbursement for Lifeline service “pending approval of their compliance plans in the states in which they currently serve Lifeline subscribers.”⁴ The instant Compliance Plan is intended to satisfy the Commission’s requirement that Cintex file, and the Commission approve, a compliance plan in order for the Commission to forbear from applying the facilities requirement of section 214(e)(1) of the Act with respect to Cintex. This Compliance Plan includes all of the elements required by the Commission’s Public Notice, dated February 29, 2012.

I. BACKGROUND

Cintex was formed on June 29, 2007. One hundred percent of the company is owned by one individual, Paul Greene. There is no holding company. The company began offering non-Lifeline wireless service in January 2008 under the “Liberty” brand. Currently, Cintex continues to provide service to approximately one thousand non-Lifeline customers. Cintex also provides

² See *id.* at ¶ 368.

³ See *id.* at ¶ 380.

⁴ See *id.*

prepaid wireless service to approximately 100,000 Lifeline customers in the states of Maryland, Arkansas, Maine, Rhode Island and West Virginia.⁵

A Cintex affiliate, Cintex Group, LLC, provides wholesale service to other wireless resellers. Cintex Group is wholly owned by Paul Greene, as well. There are no other Cintex affiliates that currently provide telecommunications services.

Cintex is both financially and technically capable of providing Lifeline service. Approximately thirty-five percent of the revenue generated by the two operating companies (i.e., Cintex and Cintex Group) is generated from sources other than Lifeline customers. Cintex's financial and technical capability is demonstrated by the fact that it has had wireless operations since January 2008, well before it was designated an ETC in mid 2011. Cintex executives have many years of experience in the telecommunications industry, and Cintex has good relationships with the state commissions in the states in which it operates.

II. CERTIFICATION OF LIFELINE APPLICANTS' ELIGIBILITY

A. Policy

Cintex will seek reimbursement for Lifeline service only for those consumers who qualify for Lifeline service pursuant to Commission rule 54.409, or who qualify under additional program or income criteria adopted by the states. In addition, Cintex will comply with the Commission's requirements for initial eligibility certification and annual eligibility re-certification.

⁵ Cintex is also designated an ETC in Missouri, but is not being reimbursed by the Universal Service Administrative Company ("USAC") for service provided in that state.

B. Initial Eligibility Certification Procedures

Cintex is committed to the integrity of the Lifeline program and will implement certification procedures consistent with Commission rule 54.410 to ensure that its subscribers qualify for Lifeline.

Eligibility criteria. Cintex will comply with the uniform eligibility criteria in section 54.409 of the Commission's rules, as well as any additional certification and verification requirements for Lifeline eligibility in states where Cintex is designated an ETC.

Therefore, all subscribers will be required to demonstrate eligibility based at least on: (1) household income at or below 135% of the Federal Poverty Guidelines for a household of that size; or (2) the household's participation in one of the federal assistance programs listed in Commission rule 54.409(a)(2) or 54.409(a)(3). The manner in which each subscriber is eligible is captured by Cintex in two locations: (1) on the application forms for Lifeline services; and (2) in Cintex's back-end system, called "Fusion," which was developed, and is managed, by BeQuick Software, Inc. ("BeQuick"). In addition, through the certification requirements and other policies described below, Cintex will confirm that the subscriber is not already receiving a Lifeline service and no one else in the subscriber's household is subscribed to a Lifeline service.

Marketing material. Cintex marketing material, including its website, will include detailed information regarding its Lifeline plans and eligibility criteria. Eligibility criteria will reflect those set forth in the *Lifeline Modernization Order*, and may also include eligibility criteria established by the states, if applicable. All Cintex employees and representatives who are involved in enrolling Lifeline subscribers, have undergone training regarding the eligibility

criteria. In addition, all documentation, including marketing material, sales scripts, websites and applications, will reflect the eligibility criteria.

All Cintex marketing material will also explain in easily understood language that the offering is a Lifeline supported service; that only eligible consumers may enroll in the program; what documentation is necessary for enrollment; and that the program is limited to one benefit per household, consisting of either wireline or wireless service. The marketing material will also explain that Lifeline is a government benefit program and that consumers who willfully make false statements in order to obtain the benefit can be punished by fine or imprisonment or can be barred from the program. Additionally, Cintex marketing material will disclose the details of its Lifeline offering, as well as always make it clear that Cintex is the carrier that will provide the Lifeline service. Cintex's marketing group will be trained regarding these marketing disclosure requirements.

Cintex marketing material, as well as its communications with its customers generally, will comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service. All Cintex marketing material will be reviewed by its attorney prior to use.

Certification form and supporting documentation. Attached as Exhibit 1 is a copy of the Cintex certification form. Every applicant will be required to complete a certification form.⁶ Applicants that do not complete the form in person will be required to submit a completed and signed certification form to Cintex by mail, facsimile, electronic mail or other electronic transmission, inclusive of the documentation. Cintex will use the documentation to verify a

⁶ Cintex uses certification forms in both paper and electronic form. Electronic certification forms are presented to applicants on tablets during the in-person sales process. The forms were developed by CGM, LLC ("CGM") and are fully integrated into Fusion, Cintex's back-end system. The tablet also allows the sales person to do a real time duplicate check, as well as verify applicant eligibility with certain state databases.

consumer's eligibility to receive Cintex's lifeline service, unless a state database or state agency verifies eligibility.

Cintex's certification form provides information, requests information and requires that each applicant make certain certifications, consistent with Commission rule 54.410(d). The certifications will be explained to consumers when they enroll in person or over the phone.

All certification forms will be reviewed by Cintex employees, who will also be trained to review and determine whether the supporting documentation is sufficient to establish income-based qualification or program-based qualification. The supporting documentation must be of a type identified in Commission rule 54.410(c)(1)(i)(B) or 54.410(c)(1)(iii). Cintex will not provide Lifeline service to consumers who have not provided such documentation, unless their eligibility has been confirmed by a federal or state database or by a state agency. Cintex will not retain the documentation.

For applications in which Cintex receives documentation proving eligibility, Cintex captures certain information related to that documentation in order to demonstrate, in the event of an audit, that it has reviewed the documentation. Specifically, Cintex captures the following: (i) the type of documentation reviewed, (ii) the date or expiration date of the documentation (where available), (iii) the date the documentation was reviewed, (iv) the manner in which the documentation was provided (e.g., in person, fax . . . etc), (v) the ID of the employee who reviewed the documentation, and (vi) the name on the documentation. Significantly, all documentation is reviewed by a Cintex employee.

Face-to-face sales and inquiries to Cintex customer care. In the case of face-to-face sales and inquiries to Cintex customer care regarding the Cintex Lifeline service and applicable eligibility criteria, all Cintex representatives will be trained to assist Lifeline applicants

De-enrollment for ineligibility. If Cintex has a reasonable basis to believe that one of its Lifeline customers no longer meets the eligibility criteria, Cintex will notify the customer of impending termination in writing via text message and provide the subscriber 30 days to demonstrate continued eligibility. The message will state the following: “URGENT: we have reason to believe that you no longer qualify for your Cintex service. If you do not contact Cintex at 877-304-9183, and confirm your eligibility, your service will be terminated in 30 days.” A demonstration of eligibility must comply with the annual verification procedures found in new rule 54.410(f), including the submission of a completed and signed certification form.

C. Annual Eligibility Re-Certification

Cintex will attempt to re-certify all subscribers enrolled in its Lifeline program on an annual basis. For 2012, Cintex will re-certify a subscriber’s eligibility by accessing a federal or state database, if available. If a database is not available, Cintex will obtain from the consumer a signed certification, consistent with Commission rule 54.410(d). The verification materials will inform the subscriber that he or she is being contacted to re-certify his or her continuing eligibility for Lifeline service and that if the customer fails to respond, he or she will be de-enrolled from the program. Cintex anticipates that the majority of its subscribers will recertify by IVR. The IVR “results” will be passed into fusion. Cintex will also provide its subscribers the option of recertifying via the web.

For 2013, Cintex is likely to elect to have USAC administer the self-certification process on its behalf.

Cintex will make applicants aware of the re-certification requirement (i) at the point of sale, (ii) on the certification, and (iii) on its website. With respect to the point of sale, Cintex will train its representatives who perform face-to-face sales to make applicants aware of the re-

certification requirement. Cintex will also train its customer service representatives to inform persons of the re-certification requirement.

Cintex will initiate a de-enrollment process for those subscribers that it or USAC is unable to re-certify. Pursuant to this process, Cintex will send subscribers, via text message, notification of impending termination. Cintex will provide subscribers 30 days following the date of the written notification, in which to demonstrate ongoing eligibility for Lifeline. If the customer fails to demonstrate eligibility within this time frame, Cintex will de-enroll the customer within five business days after expiration of the subscriber's time to respond to the re-certification efforts.

If Cintex cannot verify addresses via a state or federal database, Cintex will contact each subscriber to obtain a valid address; Cintex will do so during the annual certification process.

III. MEASURES TO PREVENT DUPLICATE LIFELINE BENEFITS

Cintex is committed to minimizing waste, fraud and abuse in the Lifeline program. Accordingly, in order to prevent duplicate Lifeline benefits, Cintex will, consistent with Commission rule 54.404, query either the National Lifeline Accountability Database or a state database that has been approved by the Commission. Such queries will determine whether a subscriber, or someone else at his or her residential address, is currently receiving a Lifeline benefit. If the applicant is already receiving a Lifeline benefit at that address, Cintex will not seek Lifeline benefits for that applicant unless and until the consumer de-enrolls from the ETC from whom they are receiving service. If another person at the applicant's residential address is currently receiving Lifeline supported service, Cintex will require the applicant to complete a "separate -household" document in order to demonstrate that the applicant and the current subscriber are part of separate households.

Significantly, even after the National Lifeline Accountability Database is operational, Cintex will continue to implement a multi-faceted approach to minimizing duplicate Lifeline service. Cintex's certification form, marketing material and in-person contacts will all emphasize the one per-household requirement. In addition, Cintex will continue its internal database checks, even as it uses the National Lifeline Accountability Database.

In order to minimize duplicate Lifeline benefits prior to when the federal or state databases become available, Cintex will implement **four** measures.

First, each applicant will be required to certify under penalty of perjury that the subscriber's household will receive only one Lifeline benefit and, to the best of his or her knowledge, the subscriber's household is not already receiving a Lifeline benefit.

Second, in face-to-face sales, as well as during calls to Cintex customer service, Cintex representatives will ask the applicant the following: "Do you or anyone else in your household currently receive Lifeline support from any other telephone provider?" If the applicant answers "yes," he or she will not receive Lifeline service from Cintex.

Third, all certification forms received by Cintex will be reviewed to verify whether the applicant, or whether anyone at the applicant's address, is currently receiving Lifeline benefits from Cintex or another ETC that is a client of CGM.

All Cintex representatives who perform face-to-face sales will have tablets or computers on site and will check Cintex's internal database, as well as CGM's database, to identify duplicate certifications on a real-time basis. If the applicant is already receiving a Lifeline benefit at that address he or she will not be enrolled in Lifeline, and Cintex will not seek an additional Lifeline benefit for that applicant. If another person at the applicant's residential

determine whether they are eligible to participate in Lifeline. These persons will be trained to answer questions regarding eligibility criteria and the definition of a “household” (i.e., what constitutes a “household”). All documentation collected by Cintex representatives engaged in face-to-face sales will be reviewed at Cintex headquarters to double check its validity. Cintex does not rely on agents or contractors to perform this review on its behalf.

In addition, Cintex representatives will verbally ask each applicant whether they or anyone else in their household currently receive Lifeline support from any other telephone provider. If the applicant answers in the affirmative, the applicant will be informed that they are not eligible for the Cintex Lifeline offering. Cintex representatives will also explain to applicants that if they do not use their Lifeline service for 60 consecutive days, their service may be deactivated. As noted previously, the certification process followed for in-person sales will include a tablet application developed by CGM.

Eligibility database or state agency. Where available, Cintex will verify a subscriber’s eligibility by accessing a federal or state database or through a state agency. If a state or federal database is used, Fusion will capture the following information for each customer: (i) the name of the database queried, (ii) the date the database was queried, and (iii) confirmation by our employee that the database confirmed eligibility. Alternately, if a state agency confirmed eligibility, Fusion will capture the following: (i) the name of the agency consulted, (ii) the agency contact, and (iii) a copy of the notice provided by the agency that confirms eligibility.

If a database or state agency is not available to confirm eligibility, Cintex will require the consumer to provide documentation proving eligibility. Cintex will not provide Lifeline service or seek reimbursement from the USAC for ineligible applicants.

address is currently receiving Lifeline supported service, Cintex will require the applicant to complete a “separate household” worksheet in order to demonstrate that the applicant and the current subscriber are part of separate households.

Fourth, as explained above, Cintex’s marketing material will reinforce the limitation of one Lifeline phone per household. The following language will appear on the Cintex website and in marketing materials in bold and in an offsetting color to ensure that it is not overlooked:

Note: By law, the Lifeline program is only available for one phone per household.

In the event that Cintex learns from the National Lifeline Accountability Database, USAC, the Commission, a state commission, the customer, or through its own database, that a household is receiving more than one Lifeline benefit, the affected customer will be de-enrolled within five business days and Cintex will not seek Lifeline reimbursement following the date of that customer’s de-enrollment.

IV. COOPERATION WITH STATE AND FEDERAL REGULATORS

Cintex will cooperate with federal and state regulators to prevent waste fraud and abuse. More specifically, Cintex will:

- Make available subscriber data to USAC in order to help it create and maintain the National Lifeline Accountability Database;
- Assist the Commission, USAC, state commissions, and other ETCs in resolving instances of duplicative enrollment by Lifeline subscribers, including by providing USAC and/or any state commission, upon request the necessary information to detect and resolve duplicative Lifeline claims;

- Promptly investigate any notification that it receives from the Commission, USAC, or a state commission to the effect that one of its subscribers already receives Lifeline service from another carrier; and
- Promptly de-enroll any subscriber whom Cintex has a reasonable basis to believe is receiving Lifeline-supported service from another ETC or knows is no longer eligible – whether or not such information is provided by the Commission, USAC, or a state commission.

Cintex has generally maintained good relations with state regulators. On June 14, 2012, however, the Staff of the Missouri Public Service Commission (“PSC”), filed a Staff Complaint and Motion for Order to Show Cause Why the ETC Designation of Cintex Wireless, LLC Should Not be Provisionally Revoked (Case No. RC-2012-042). Staff of the Missouri PSC and Cintex have reached agreement on a Unanimous Stipulation and Agreement, pursuant to which Cintex will retain its designation as an ETC and will comply with various reporting and other requirements. Neither the settlement, nor the terms therein, constitute an admission that Cintex violated the rules of the Missouri PSC or the Commission.

V. NON-USAGE REQUIREMENTS

If a subscriber fails to “use” a Cintex Lifeline plan for 60 consecutive days, Cintex will provide the subscriber 30 days’ written notice via text message, using clear, easily understood language, that the subscriber’s failure to use the Lifeline service within a 30-day notice period will result in termination of lifeline service. The text messages are sent out daily. A subscriber will be considered to have used the Lifeline service if he or she (i) completed an outbound call, (ii) purchased minutes from Cintex to add to the subscriber’s service plan, (iii) answered an incoming call from a party other than Cintex or Cintex’s agent or representative; or (iv)

responded to direct contact from Cintex and confirms that he or she wants to continue receiving Lifeline service. If the subscriber uses the Lifeline service within 30 days of the Cintex notice, Cintex will not terminate the subscriber's Lifeline service. To avoid waste, Cintex will not seek Lifeline support for subscribers who have not used the service for a consecutive 60-day period, unless the subscriber uses the service within 30 days of the carrier providing notice of de-enrollment.

Cintex will make subscribers aware of this usage requirement and its impact on their Lifeline service, in marketing material, its website, its certification, when subscribers call customer service for information on the Cintex Lifeline program and in face-to-face sales.

In addition, Cintex will not seek Lifeline support for a customer unless and until the subscriber activates the service and/or completes an outgoing call.

VI. ACCESS TO 911 AND E911 SERVICES

Cintex will provide its Lifeline subscribers with access to 911 and E911 services inasmuch as these services have been deployed by its underlying carriers. Further, Cintex will transmit a Lifeline subscriber's wireless 911 call, regardless of whether the subscriber has failed to satisfy the usage requirements and regardless of whether the account associated with the handset has been terminated. Cintex will provide its Lifeline customers with access to 911 and E911 services immediately upon activation of service.

Cintex will provide its Lifeline subscribers with E911-compliant handsets and replace, at no additional charge to its subscribers, noncompliant handsets of Lifeline-eligible customers.

Cintex has the same ability to remain functional in emergency situations as its underlying carriers.

VII. CINTEX SERVICE OFFERINGS

Cintex has been designated an eligible telecommunications carrier by the state commissions of Maryland, West Virginia, Arkansas, Maine, Missouri and Rhode Island. Currently, Cintex offers each eligible applicant 250 free anytime local and long distance minutes per month.⁷ Text messaging is available at a rate of one text per voice minute (i.e., a text message consumes one minute). Unused minutes do not roll over month-to-month. Cintex does not charge a monthly recurring fee; the service is a strictly a pay-as-you-go service.

In the event that a subscriber uses all of his or her minutes, the subscriber may purchase additional airtime minutes as follows:

Airtime Card Face Value	Total Minutes	Actual Cost Per Minute
\$3.00	20	\$0.15
\$5.00	33	\$0.15
\$10.00	200	\$0.05
\$20.00	500	\$0.04
\$35.00	Unlimited Talk and Text for 14 Days	

As was the case with the 250 free voice minutes, text messaging is available at the rate of one text per voice minute. These “top-up” minutes can be purchased at retail stores, its website and by calling Cintex customer service.

⁷ Except that in Rhode Island, Cintex offers a 260 free anytime local and long distance minutes per month to Medicaid recipients as part of a promotion negotiated with the Rhode Island Executive Office of Health and Human Services.

Wireless handsets are provided to qualifying Lifeline customers free of charge. The service will include caller ID, call waiting, call forwarding, 3-way calling and voicemail. All plans include domestic long-distance at no extra cost per minute. Calls to 911 emergency services are free, regardless of service activation or availability of minutes.

Cintex certifies that its voice telephony services comply with the requirements of Commission rule 54.101. In particular, Cintex provides voice grade access to the public switched network; minutes of use for local service at no additional charge; and access to emergency services provided by local government or other public organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems.

Cintex does not offer toll limitation service since Cintex service is offered on a pre-paid basis only. Because the service is prepaid, no customers will be disconnected for failure to pay toll charges or, for that matter, any other charges. Inasmuch as all Cintex services are prepaid, there is no danger that low income customers will incur large charges for heavy toll (or other) calling and no risk that they will be disconnected for non-payment. Since customers pay for the service in advance, they can use only what they have already paid for or what service quantities have been provided to them under the Lifeline program. Accordingly, Cintex need not provide traditional toll limitation services.

The terms and conditions of the Cintex Lifeline service are attached hereto as Exhibit 2. They are posted on the Cintex website at www.cintexwireless.com.

VIII. REIMBURSEMENT FROM THE FUND

To ensure that Cintex does not seek reimbursement from the Universal Service Fund without a customer's consent, Cintex will certify, as part of each reimbursement request, that it is

in compliance with all of the Commission's Lifeline rules and, to the extent required, has obtained valid certification and verification forms from each of the customers for whom it is seeking reimbursement. Further, Cintex will transition submission of its FCC Forms 497 to the eighth day of each month in order to be reimbursed the same month, and inform USAC, to the extent necessary, to transition its reimbursement process to actual claims rather than projected claims over the course of more than one month. In addition, Cintex will keep accurate records as directed by USAC and as required by Commission rule 54.417.

IX. ANNUAL COMPANY CERTIFICATIONS

Cintex will submit an annual certification to USAC, signed by a company officer under penalty of perjury, that Cintex: (1) has policies and procedures in place to review consumers' proof of eligibility documentation and ensure that its Lifeline subscribers are eligible to receive Lifeline services; (2) is in compliance with all federal lifeline certification procedures; and (3) has obtained a valid certification form for each subscriber for whom Cintex seeks Lifeline reimbursement.

In addition, Cintex will provide the results of its annual recertification/verifications to the Commission, USAC, the applicable state commission and the relevant Tribal governments (for subscribers residing on Tribal lands) on an annual basis. Further, as discussed above, Cintex will report annually to the Commission the number of subscribers de-enrolled for non-usage by month.

To the extent required, Cintex will also annually report to the Commission, USAC, and the relevant state commissions and the relevant authority in a U.S. territory or Tribal government as appropriate, the company name, holding company, operating companies and affiliates, and any branding (such as a "dba") as well as relevant universal service identifiers for each entity in

the Study Area Code. Cintex will report annually information regarding the terms and conditions of its Lifeline plans for voice telephony service offered for low income consumers during the previous year, including the number of minutes provided and whether there are additional charges to the consumer for service, including minutes of use/or toll calls. Finally, Cintex will annually provide detailed information regarding service outages in the previous year, the number of complaints received and certifications of compliance with applicable service quality standards and consumer protection rules, as well as a certification that Cintex is able to function in emergency situations.

Cintex submits that its Compliance Plan fully satisfies the requirements set forth in the *Lifeline Modernization Order*. Accordingly, Cintex respectfully requests that the Commission expeditiously approve its Compliance Plan.

Respectfully submitted,

CINTEX WIRELESS, LLC

By: _____
Paul Greene
CEO
1800 I Rockville Pike
Rockville, Maryland 20852

October 10, 2012